

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

WILLIE EARL KEY, JR.

PLAINTIFF

VERSUS

NO. 1:15cv62-MPM-DAS

ALCORN COUNTY, MISSISSIPPI

DEFENDANT

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual damages for violation of First and Fourth Amendments rights. Supplemental state law claims are made to recover damages under state law. The following facts support this action:

1.

Plaintiff WILLIE EARL KEY, JR. is an adult resident citizen of Alcorn County, Mississippi. At all relevant times, Plaintiff was an employee of the City of Corinth, Mississippi.

2.

Defendant ALCORN COUNTY, MISSISSIPPI is a political subdivision of the State of Mississippi. Defendant may be served with process through its chancery clerk, Bobby Marolt, 501 Waldron Street, Corinth, Mississippi 38834. At all relevant times, Defendant acted through the official policy decision of its sheriff and acted under color of state law.

3.

This Court has civil rights jurisdiction under 28 U.S.C. § 1343 and 42 U.S.C. § 1331, for a cause of action arising under the First and Fourth Amendments to the United States Constitution, to address a cause of action authorized by 42 U.S.C. § 1983.

4.

On June 11, 2014, Plaintiff was directed by his superior to transport a prisoner to the Alcorn County Correctional Facility operated by Defendant.

5.

Upon Plaintiff's arriving at the correctional facility, three (3) correctional officers, employees of Defendant, under the supervision of the sheriff, began searching Plaintiff's truck. Defendant's officers were frustrated at their ability to carry out the search because of mechanical problems in getting the truck's door to open. Plaintiff exercised his rights under United States Constitution Amendment One by denying the officers' claims that he was being uncooperative during the search, and explaining to the officers the mechanical difficulties with the truck. This angered the officers further, and resulted in their making false charges that Plaintiff was frustrating their ability to search. The officers called a deputy sheriff to the scene. The deputy called the Alcorn County Sheriff, who, without probable cause and without reasonable investigation, ordered Plaintiff into custody and ordered him transported to the jail. This amounted to an unreasonable seizure of his person in violation of the Fourth Amendment and retaliation for exercise of free speech rights in violation of the First Amendment.

6.

Defendant videotaped the incident. If the videotape still exists, it will demonstrate there was no probable cause for Plaintiff's arrest, and Plaintiff's arrest was caused by his exercise of First Amendment rights. Alternatively, if Defendant has deliberately destroyed the videotape, the Court should infer liability under the spoliation of evidence doctrine.

8.

In addition to being liable under federal law, Defendant is also liable under state law for the Mississippi law torts of false imprisonment, arrest without probable cause and negligence. A copy of the Notice of Claim is attached hereto as Exhibit "A." Plaintiff has received a denial of the same, attached hereto as Exhibit "B."

9.

Plaintiff has suffered embarrassment, mental anxiety and stress as a result of his wrongful arrest.

REQUESTS FOR RELIEF

Plaintiff requests actual damages in an amount to be determined by a jury and reasonable attorneys' fees and costs.

Respectfully submitted, this the 7th day of April, 2015.

Respectfully submitted,

WAIDE & ASSOCIATES, P.A.

BY: /s/ JIM WAIDE

JIM WAIDE

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